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CITY OF LOS ANGELES, which includes
LOS ANGELES DEPARTMENT OF CANNABIS
REGULATION; AND MICHELLE GARAKIAN,
in her official capacity

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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 VARISCITE, INC. AND KENNETH
14 GAY,

15 Plaintiffs,

16 v.

17 CITY OF LOS ANGELES; LOS
18 ANGELES DEPARTMENT OF
19 CANNABIS REGULATION; AND
MICHELLE GARAKIAN,

20 Defendants,
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) Case No.: 2:22-cv-08685-SPG-SK

) Hon. Sherilyn Peace Garnett

) **STATUS REPORT RE NINTH CIRCUIT**
) **LITIGATION**

On April 11, 2023, the Court issued an order staying the above-captioned case pending the Ninth Circuit's decision on Plaintiff Kenneth Gay's appeal in *Peridot Tree, Inc. v. City of Sacramento*, 22-16783 (9th Cir. Nov. 17, 2022). In compliance with that order, Plaintiffs Variscite, Inc. and Kenneth Gay (collectively, "Plaintiffs") and the Los Angeles Department of Cannabis Regulation ("DCR") and Michelle Garakian, in her official capacity (collectively, "City") report as follows:

The *Peridot Tree* appeal is fully briefed. The City also filed an amicus brief in support of Sacramento. The appeal is scheduled for oral argument on **November 15, 2023**. The parties are aware of no deadline for the Ninth Circuit to issue a decision, but its website advises that "most cases are decided within 3 months to a year after submission." Frequently Asked Questions, <https://www.ca9.uscourts.gov/general/faq/> (last visited Oct. 5, 2023). Unless otherwise instructed, the parties will provide a further status report when a decision is rendered by the Ninth Circuit.

Dated: Oct. 6, 2023

Respectfully submitted,
HYDEE FELDSTEIN SOTO, City Attorney
TAYLOR C. WAGNIERE, Deputy City Attorney
KABIR CHOPRA, Deputy City Attorney
PATRICK HAGAN, Deputy City Attorney

By: 

PATRICK HAGAN

Attorneys for Defendant CITY OF LOS ANGELES, which includes the CITY OF LOS ANGELES DEPARTMENT OF CANNABIS REGULATION, and MICHELLE GARAKIAN, in her official capacity

Dated: Oct. 6, 2023

KERNKAMP LAW APC

By: /s/ Christian Kernkamp

CHRISTIAN KERNKAMP

Attorney for Plaintiffs Variscite, Inc., and Kenneth Gay